

REMARKS

This is intended as a full and complete response to the Final Office Action dated March 23, 2006, having a shortened statutory period for response set to expire on June 23, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-41 remain pending in the application and are shown above. Claims 1-12, 15-37, 40 and 41 are rejected and claims 13, 14, 38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 10, 11, 13, 22, 27, and 38 are amended to correct antecedent basis. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1-12, 15-37, 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Ku, et al* (U.S. Publication No. 2004/0011404) in view of *Ohmi, et al* (U.S. Patent No. 6,193,212). Applicant respectfully traverses the rejection on grounds that the reference *Ku, et al* is not eligible as prior art as the claimed invention and the prior art are commonly owned.

As *Ku, et al* was published after Applicant's August 20, 2003 filing date, *Ku, et al* is a §102(e) type reference. The inventors of the reference *Ku, et al* and the inventors of the present application were employees of Applied Materials, Inc. and the inventors were obligated to assign the rights to their invention to Applied Materials, Inc. Since the present application was filed after November 29, 1999, the reference *Ku, et al* does not preclude patentability under the provisions of 35 U.S.C. §103(c) as amended by the American Inventor's Protection Act of 1999. Applicant has included, along with this response, a statement of common ownership for *Ku, et al*. Accordingly, Applicants respectfully request the foregoing rejections to claims 1-12, 15-37, 40 and 41 be withdrawn.

Applicant further traverses the rejection on grounds that *Ohmi, et al* alone, or in combination, does not teach or suggest the limitations of the pending claims. Withdrawal of the rejection is respectfully requested.

Applicant thanks the Examiner for the allowable subject matter in claims 13, 14, 38, and 39. However, the Applicant submits that the present claims are in allowable form.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. The secondary reference made of record is noted. However, it is believed that the secondary reference is no more pertinent to the Applicant's disclosure than the references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary reference is not necessary for a full and complete response to this Final Office Action.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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